

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INFORMATICA CORPORATION

Plaintiff,

No. C 02-03378 EDL

v.

ORDER GRANTING PLAINTIFF'S MOTION  
TO PROHIBIT DEFENDANT FROM ARGUING  
CLAIM CONSTRUCTION TO THE JURYBUSINESS OBJECTS DATA  
INTEGRATION, INC.Defendant.  
\_\_\_\_\_ /

Informatica ("INFA") has moved to prohibit Business Objects Data Integration, Inc. ("BODI") from presenting evidence and argument on claim construction issues to the jury, specifically regarding the interpretation of Claim 1 of the '670 patent. That claim concerns a "computer implemented method for transforming data in a data warehousing application, comprising the steps of . . . storing metadata corresponding to a plurality of transformation objects, wherein the transformation objects have at least one transformation object input port for accepting data and at least one transformation object output port for outputting transformed data and particular transformation objects transform data according to the metadata corresponding to that particular transformation object." '670 patent, col.19, l. 59 - col. 2, l.4. Having considered the papers and the argument of counsel, the Court grants INFA's motion. Because INFA did not object to BODI's opening statement, which referenced this theory, or make its own affirmative motion earlier to preclude this theory, INFA may not argue to the jury or otherwise take advantage of BODI's failure to introduce evidence on this point due to this ruling.

Judge White adopted INFA's proposed construction of "transformation object" as: "A reusable component for processing data according to predefined instructions." He rejected BODI's narrower interpretation which was based, in part, on its argument that during the prosecution history, INFA added limitations to overcome the prior art rejection. In particular, BODI unsuccessfully relied on a portion of the prosecution history to support its proposed construction of "transformation object" as requiring that each object have "related metadata which defines how that particular transformation object is to process incoming data." BODI's Resp. Cl. Const. Brief at 11 (quoting 5/26/99 Amendment and Response re Appl. No. 08/966,449).

BODI attempted to raise the same prosecution history regarding the May 1999 Amendment in front of the jury during its cross-examination of INFA's infringement expert before the Court sustained INFA's objection:

Q. And here you'll see that after the claim was initially rejected, what was added was the following lines -- well, first of all, "constructed" was taken out. And what was added was "storing metadata corresponding to a plurality of" -- well, "if", "of", and "transformation" was there before. "And wherein the transformations objects have" -- and some things were added, and the words "particular transformations," and "particular" was added, "transformed data", "according to the metadata corresponding to that particular transformation object".  
 Do you see that?

A. I see that.

Q. So this language was added in order to distinguish the patent from the prior art, correct?

A. Not necessarily, no.

Q. Do you recall what the reasonable -- what the office action that Informatica was reacting to when it made this amendment?

A. No, I don't.

Q. Isn't it true that the patent office said, Transformation objects are in the prior art, you've got to show us why yours is different?

MR. HADDEN: Objection, your Honor. The claims have been construed. This prosecution history is irrelevant, and there's no doctrine of equivalence issue in this case.

March 16, 2007 Trial Transcript at 697:11 - 698:9.

1 In its trial brief, filed during pretrial proceedings, Defendant similarly argued to this Court  
2 that “a particular ‘transformation object’ that has particular ‘metadata’ corresponding to it must  
3 mean that a transformation object does not inherently contain metadata.” Def. Trial Brief at 7:4-6.  
4 In the context of the motions *in limine*, this Court rejected BODI’s request for “clarification” of  
5 Judge White’s construction of “transformation object” in accordance with this view so as to  
6 embrace BODI’s theory that “transformation object” must be construed to be separate and distinct  
7 from its related metadata. BODI acknowledged that: “If BODI’s understanding of the Court’s claim  
8 construction is correct, the infringement issue may be decided in BODI’s favor as a matter of law. If  
9 BODI is incorrect, it may be that part of the infringement issue would be decided against BODI as a  
10 matter of law (leaving the factual issues of actual usage and intent to induce infringement for the  
11 jury).” Opp. to Pl’s MIL No. 2 at 8:22-9:2. Thus, BODI recognized that this issue is one for the  
12 Court, not for the jury. However, BODI argued in connection with this motion and INFA’s  
13 objection to its cross-examination of INFA’s expert based on the prosecution history that “we’re  
14 allowed to argue our view of the Court’s interpretation [of the claim], and they’re allowed to argue  
15 theirs.” March 16, 2007 Trial Transcript at 720:10-12. The Court rejected this view.

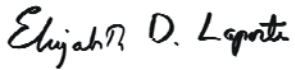
16 In an attempt to avoid this Court’s prior rejection of BODI’s argument that the metadata  
17 (BODI’s ATL instructions for EDFs) cannot be part of the component (Def’s MIL No.1 at 15), BODI  
18 has slightly rephrased its argument to contend “that it does not have metadata that *corresponds* to  
19 any particular transformation object - all it stores is metadata. EDF metadata instead may be  
20 implemented in different ways based on how BODI’s optimizing engine determines the most optimal  
21 way to implement the transformation process.” BODI’s Brief re Non-Infr. Position at 3 (emphasis  
22 added). However, this contention is really the same claim construction argument previously rejected  
23 by the Court, and the Court was aware then of the “corresponding” language of the claim.  
24 Accordingly, BODI is precluded from presenting expert testimony contradicting the Court’s  
25 construction that the transformation object can include the metadata. CytoLogix Corp. v. Ventana  
26 Medical Systems, Inc., 424 F.3d 1168, 1172-74 (Fed. Cir. 2005) (holding that “it appears that the  
27 conflicting expert views as to claim construction created confusion and may have led to a verdict of  
28 infringement with respect to the asserted claims of the '061 patent that was not supported by

substantial evidence under the district court's claim construction," but that evidence otherwise supported finding of infringement.)

This order disposes of docket no. 615.

IT IS SO ORDERED.

Dated: March 21, 2007

  
\_\_\_\_\_  
ELIZABETH D. LAPORTE  
United States Magistrate Judge